

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CYNTHIA STANLEY,

Plaintiff,

V.

**COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

CASE NO. 6:22-cv-292-JDK-KNM

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Cynthia Stanley filed this appeal from a final administrative decision of the Commissioner of the Social Security Administration denying an application for Social Security benefits. On January 25, 2023, the Court entered an order granting an unopposed motion to remand and remanding the matter to the Commissioner for further proceedings pursuant to sentence six of 42 U.S.C. § 405(g). Before the Court is Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act. Docket No. 17. The motion was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact and recommendations for disposition. Docket No. 18. The Commissioner filed a response in opposition. Docket No. 20.

On May 16, 2023, Judge Mitchell issued a Report recommending that the Court deny the motion as premature without prejudice to reasserting the motion when it is ripe for consideration. Docket No. 21. No written objections have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, the parties did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 916 (1989) (holding that the standard of review is "clearly erroneous, abuse of discretion and contrary to law" if no objections to a Magistrate Judge's Report are filed).

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 21) as the findings of this Court. The motion for EAJA fees (Docket No. 17) is **DENIED** as premature without prejudice to reasserting the motion when it is ripe for consideration.

Signed this
Jun 12, 2023


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE